

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BERNADETTE WILLIAMS, RICK
MCCONNELL, ROSILYN WILSON,
LINDA LEWIS, LATASHA HUFF,
HAUNANIMAE CERVANTES-WHITE,
MARIA MUNOZ, KIMBERLY BENSON,
ROY TUINSTRA, EVELYN BROWN,
MICHELLE SNYDER, WILLIAM ROSS
DEAN, RICHARD DACHEFF, DIANE
NEWKIRK, SANDRA SMILING, SHAUN
ROBERT, ROQUE ESPINOZA,
JENNIFER PAYNE, LATISHIA
BOWDEN, and DJ NEILL, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE CO.,

Defendant.

Case No.: 1:22-cv-01422

Judge Virginia M. Kendall

**DEFENDANT'S MOTION FOR LEAVE TO
SUBMIT NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendant State Farm Mutual Automobile Insurance Co. ("State Farm") respectfully requests leave to submit *Cudd v. State Farm Mutual Automobile Insurance Co.*, Case No. 4:21-cv-217 (CDL), ECF No. 29 (M.D. Ga. Oct. 28, 2022), as supplemental authority.

Cudd is a decision from the District Court for the Middle District of Georgia addressing the same arguments, premised on identical policy language, raised by State Farm in its Motion to Compel Appraisal or, In the Alternative, Dismiss or Grant Summary

Judgment. More specifically, *Cudd* is directly relevant to State Farm's arguments that (i) appraisal is mandatory once invoked (ECF No. 34 at 7-8), (ii) Plaintiffs' allegations raise a valuation dispute covered by appraisal (*ECF No. 34* at 4-6), and (ii) Plaintiffs cannot state claims without complying with the mandatory appraisal process, which is a condition precedent to suit. (ECF No. 34 at 9-13.) *Cudd* was decided on October 28, 2022, so State Farm could not have cited this authority earlier.

Accordingly, State Farm respectfully requests leave to submit *Cudd* as supplemental authority. A copy of State Farm's Notice of Supplemental Authority is attached as **Exhibit A**.

Dated: November 1, 2022

Respectfully submitted,

s/ Peter W. Herzog III

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